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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICTOR ABEYTA,

Petitioner,

vs.

G. J. GIURBINO, Warden,

Respondent.

Case No. CV 06-2173-AG (OP)

J U D G M E N T

Pursuant to the Order Adopting Findings, Conclusions, and
Recommendations of the United States Magistrate Judge,


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1 IT IS ADJUDGED that Judgment be entered: (1) approving and adopting
2 this Report and Recommendation; and (2) directing that Judgment be entered
3 granting the Petition and ordering the trial court to resentence Petitioner only on the
4 California Penal Code section 12022.5(a) gun enhancement in accordance with
5 Sixth Amendment principles and consistent with the views set forth in this Report
6 and Recommendation.

7 DATED: MARCH 31, 2009


HONORABLE ANDREW J. GUILFORD
United States District Judge

10 Prepared by:

11 
12
13 HONORABLE OSWALD PARADA
14 United States Magistrate Judge